

White

White 2012

LR91-CR00-CRIM-24 Change of Plea

(A) No change of plea other than "as charged without recommendation" shall be accepted unless presented to the court at the final pre-trial conference before a scheduled jury trial.

(B) The Court may waive this requirement upon a showing of good cause.

(C) In felony cases, no change of plea will be accepted by the Court without a written plea agreement or motion for change of plea.

LR91-CR00-CRIM-25 Continuances

Continuances in criminal cases will be granted only in cases where exigent circumstances exist.

LR91-CR00-CRIM-26 Bail Bond Schedule

(A) A bail bond schedule, adopted by the Courts, shall be located in the Clerk's office, the office of the Prosecuting Attorney, the office of the Court, and at the White County Jail. A copy thereof may be obtained, upon request, from the Court personnel during business hours.

(B) The following amounts shall be the amounts set for bail bonds unless otherwise ordered by the Judge of the White Circuit Court or the Judge of the White Superior Court:

1. For any person who, at the time of arrest, is ON PROBATION OR PAROLE for a prior offense, NO BAIL is to be set except by the Court at a hearing to be held the next available Court day.
2. For murder and treason, NO BAIL is to be set except by the Court at a preliminary hearing;
3. For any person charged with being a habitual felony offender, bail is to be set at \$50,000.00;
4. For any person charged with being a habitual substance abuse offender, bail is to be set at \$25,000.00.

5. For any felony case, where the person charged shall have been previously convicted of a felony offense but is not now on parole or probation, bail shall be \$40,000.00;
6. For any Class A Felony offense, bail shall be \$40,000.00; except if there is a prior felony conviction, then \$50,000.
7. For any Class B Felony offense, bail shall be \$20,000.00; except if there is a prior felony conviction, then \$30,000.00;
8. For any Class C Felony offense, bail shall be \$10,000.00; except if there is a prior felony conviction, then \$20,000.00;
9. For any Class D Felony offense, bail shall be \$2,500.00; except if there is a prior felony conviction, then \$5,000.00
10. For any Misdemeanor offense, bail shall be \$500.00. (This includes all non-driving alcohol offenses.)

EXCEPTIONS TO SCHEDULE

1. For any offense where the person charged is, at the time charged or at the time of arrest, on bail on a pending charge the bail shall be increased by \$1,000.00 above the bail required under this schedule for the offense for which the accused has been arrested.
2. For any offense involving the use of or attempted use of a deadly weapon, the bail shall be increased by the sum of Ten Thousand Dollars (\$10,000.00) over the regular Bond Schedule.
3. In the event of multiple charges as a result of the same incident, the bail shall be the amount scheduled for the highest single offense, except where one of the charges is resisting law enforcement, and in such case, the bail for the highest single offense charged shall be increased by One Thousand Dollars (\$1,000.00).

4. Driving under the influence of alcohol or drugs (BAC test refused):
 - a. 1st offense within 5 years - Two Thousand Dollars (\$2,000.00);
 - b. 2nd or subsequent offense within 5 years - Four Thousand Dollars (\$4,000.00);
 - c. If BMV printout shows status of Habitual Traffic Offender or Habitual Traffic Violator - Ten Thousand Dollars (\$10,000.00)
5. Driving with Unlawful Blood Alcohol content (BAC taken and failed):
 - a. 1st offense within 5 years - One Thousand Dollars (\$1,000.00);
 - b. 2nd or subsequent offense within 5 years Two Thousand Dollars (\$2,000.00);
 - c. If BMV printout shows status of Habitual Traffic Offender or Habitual Traffic Violator - Ten Thousand Dollars (\$10,000.00).
6. Leaving the scene of accident:
 - a. Property damage only- \$1,000.00;
 - b. Personal injury- \$2,000.00
7. Public Indecency:
 - a. Non-commercial- \$1,000.00;
 - b. Commercial-\$5,000.00

GENERAL PROCEDURES

No attorney shall be accepted on any criminal bond.

All property bonds shall require prior approval from the Judge.

In any misdemeanor case the bail may be posted by any of the following methods:

- a. Corporate Surety;
- b. Cash in full;
- c. Misdemeanor Cash Bail Recognizance with one-half (1/2) deposited. (Using Court approved form)

In any felony case the bail may be posted by either of the following methods:

- a. Corporate Surety;
- b. Cash in full.

The Court may increase or decrease the amounts specified by this bail schedule, in any justifiable case.

It shall be the duty of the Sheriff to admit proper persons to bail, in accordance with the Constitution and laws of the State of Indiana and the United States and rules of Court.

To comply with I.C. 35-33-12-1, et seq., which becomes effective July 1, 1994, any person arrested or otherwise in custody, by warrant or otherwise, for allegedly committing any of the following acts:

- I.C. 35-42-1 (Homicide)
- I.C. 35-42-2 (Battery, Criminal Recklessness, Provocation)
- I.C. 35-42-3 (Kidnapping, Confinement, Interference
With Custody)
- I.C. 35-43-4 (Rape, Criminal Deviate Conduct, Child Molesting, Child
Exploitation, Vicarious Sexual Gratification, Child Solicitation, Child
Seduction)
- I.C. 35-43-5 (Robbery, Carjacking)
- I.C. 35-45-2-1 (Intimidation)
- I.C. 35-45-2-2 (Harassment)
- I.C. 35-45-10 (Stalking)

who are eligible for and about to be released on bail, shall be held for up to twelve (12) additional hours to allow the Sheriff or law enforcement agency having custody to give notice to the alleged victim that the person is about to be released from custody.

Following such notification, or upon the expiration of the twelve (12) hour period, whichever is sooner, the person may then post bail in accordance with bail rules and schedules.

Your attention is called to the Bail Bond Schedule adopted January 15, 1991, wherein it states: "All property bonds shall require prior approval from the Judge." This apparently has caused a question as to its intent and created a communication problem for you with clients, bondsmen, and inmates as to its application. The rule was not intended to convey that this is a generally acceptable bonding procedure. It was meant to reserve to the Court the possibility of using property, solely or in combination, as bail if unusual circumstances were shown to the Court to exist. The problems inherent in determining both title and value when approving, as well as the cumbersome procedure in foreclosing on a property bond, if forfeited, should be recognized.